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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,266	07/21/2005	Hiroyuki Hiraishi	A-484	4718
802	7590	07/31/2006		
DELLETT & WALTERS P. O. BOX 82788 PORTLAND, OR 97282-0788			EXAMINER VIDWAN, JASJIT S	
			ART UNIT 2182	PAPER NUMBER

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/507,266

Applicant(s)

HIRAISHI, HIROYUKI

Examiner

Jasjit S. Vidwan

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/19/2005</u>  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14 and 15 are rejected under 35 U.S.C. 101 because Claims 14 and 15 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 9, line 22, the program is not limited to tangible embodiments. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 9 and 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 reads "A compressed data processing apparatus into which is input compressed data for which data restoration is performed by carrying out **a third decompression processing.**" It is unclear to the examiner how the system can have a third decompression-processing unit without a first and second decompression processing units. For the reasons of timely examination, Examiner will construe the Claim to be limited to a single decompression-processing unit.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 11, 13, 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Simard et al U.S. Patent No: 6,940,826 [**herein after Simard**].

3. **As per Claims 1, 11 and 14**, Simard teaches a compression data processing apparatus into which is input compressed data for which data restoration is performed [**Col. 13, Lines 5-8**] by carrying out a first and a second decompression processing [**Fig. 7, Elements 74**], the compressed data processing apparatus comprising:

(a) Compressed data acquisition unit that acquires a plurality of the compressed data as an object for synthesis [**Fig. 7, Element 64, "Talker Selection"**].

(b) Plurality of first decompression processing units that perform the first decompression processing with respect to each of the plurality of compressed data acquired by the compressed data acquisition unit [**Fig. 7, elements 74**].

(c) Synthesis unit that synthesizes a plurality of intermediate data that were decompressed by the plurality of first decompression processing units [**Fig. 7, Element 76, "Mixer"**].

4. **As per Claims 3, 13 and 16**, Simard teaches a compressed data processing apparatus further comprising of a compression processing unit that performs compression processing as inverse transformation of the first decompression processing with respect to intermediate data output from the synthesis unit [**Fig. 3A, element 44 – also see Fig. 7, element 78**].

5. **As per Claim 5**, Simard teaches a system wherein the compressed data is compressed audio data [**Col. 23, Lines 56-60**].

6. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yekutieli, U.S. Patent No: 5,526,408 [**herein after Yekutely**].

7. **As per Claim 9**, Yekutieli teaches a compressed data processing apparatus comprising:

(a) Compressed data acquisition unit that acquires a plurality of the compressed data as an object for synthesis [**Fig. 2, element 11**]

(b) Synthesis unit that synthesizes the plurality of compressed data acquired by the compressed data acquisition unit **[Fig. 2, Element 27]**

(c) Decompression processing unit that performs the decompression processing for compressed data that has undergone synthesis that is output from the synthesis unit **[Fig. 2, element 21]**

8. **As per Claim 10**, Yekutiely teaches a system wherein the compressed data is compressed audio data **[Col. 2, Lines 24-29]**.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 7, 8, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simard et al, U.S. Patent No: 6,940,826 **[herein after Simard]** and further in view of Yekutiely, U.S. Patent no: 5,526,408 **[herein after Yekutiely]**.

11. **As per Claims 2, 12 and 15**, Simard teaches the limitations of Claims 1, 11 and 14, however fails to teach a system wherein second decompression processing unit that performs the second decompression processing with respect to intermediate data output from the synthesis unit. However, Yekutiely teaches the above limitation of having a second decompression-processing unit **[Fig. 2, Element 21]** that performs the second decompression processing with respect to intermediate data output from the synthesis unit **[Fig. 2, element 27, "mixer"]**.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine the teachings of Simard and Yekutiely in order to provide better efficiency in processing of plurality of sound objects. It is for this reason that one of ordinary skill in the art at the time of Applicant's

invention would have been motivated to combine the teachings of Simard and Yekutieli in order to provide better efficiency in processing of plurality of sound objects.

12. **As per Claim 7**, Simard as modified by Yekutieli above teaches a system where in the audio data of each of a plurality of frequency bands is decompressed by the first decompression processing **[see Simard, Fig. 7, elements 74]**, and inverse frequency transformation is performed using the audio data of each of plurality of frequency bands by second decompression processing **[see Yekutieli Fig. 2, Elements 21]**.

13. **As per Claim 8**, Simard as modified by Yekutieli above teach a system wherein the second decompression processing is processing that enables synthesis together of data prior to processing equivalent to syntheses together of data after processing **[see Yekutieli Fig. 2, Elements 27 and 21 – Synthesis is performed before decoding]** and first decompression processing is processing that does not enable synthesis together of data prior to processing equivalent to synthesis together of data after processing **[see Simard, Fig. 7, elements 74 and 76 – synthesis is performed after decoding]**.

14. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simard et al, U.S. Patent No: 6,940,826 **[herein after Simard]** and further in view of Fujiwara et al, U.S. Patent no: 5,729,517 **[herein after Fujiwara]**.

15. **As per Claim 4**, Simard teaches the limitations of Claim 1, however fails to teach a weight assignment-processing unit that is provided at a stage prior to synthesis unit. However, Fujiwara teaches the above limitation of having a weight assignment-processing unit that is provided at a stage prior to synthesis [Col. 2, Lines 60-65].

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine the two teachings in order to take advantage of having a data detecting circuit that can decode data at more satisfactory error rate **[Col. 3, Lines 4-5]**. It is for this reason that one of ordinary skill in the art at the time of Applicant's invention would have been motivated to combine the two teachings in order to take advantage of having a data detecting circuit that can decode data at more satisfactory error rate **[Col. 3, Lines 4-5]**.

16. **As per Claim 6**, Simard as modified by Fujiwara teaches a system wherein audio data and weight assignment is volume balance processing **[see Simard, Col. 23, Lines 56-60]**.

***Related References Cited***

17. Vega-Garcia et al. U.S. Patent No: 6,839,734 reads on Claims 1, 11 and 14 as having a compressed data acquisition unit that acquires a plurality of compressed data as object for synthesis **[Fig. 2, elements 642]**, plurality of first decompression processing units that perform the first decompression processing with respect to each of the plurality of compressed data acquired by compressed data acquisition unit **[Fig. 2, Elements 643a,b]** and synthesis unit that synthesizes a plurality of intermediate data that were decompressed by the plurality of first decompression processing units **[Fig. 2, element 644, 'Mixer']**.

18. Fujinami, U.S. Patent No: 6,097,676 reads on Claims 1, 11 and 14 as having a compressed data acquisition unit that acquires a plurality of compressed data as object for synthesis **[Fig. 1, elements 2, Drive]**, plurality of first decompression processing units that perform the first decompression processing with respect to each of the plurality of compressed data acquired by compressed data acquisition unit **[Fig. 2, Elements 5, 6, 7]** and synthesis unit that synthesizes a plurality of intermediate data that were decompressed by the plurality of first decompression processing units **[Fig. 1, element 11]**.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasjit S. Vidwan whose telephone number is (571) 272-7936. The examiner can normally be reached on 8am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM HUYNH can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jsv  
7/23/06



**KIM HUYNH**  
**SUPERVISORY PATENT EXAMINER**  
7/24/06